



**U.S. Department of
Transportation**

Office of the Secretary
of Transportation

DEPT OF TRANSPORTATION
FACILITY

1200 New Jersey Avenue, SE
Washington, DC 20590

May 28, 2009

By Fax: (469) 916-1539

Mr. Kenneth Gardner
Small Community Airlines, Inc...
7515 Lemmon Avenue
Dallas, TX 75209

Re: Docket DOT-OST-2005-21822
Application of Small Community Airlines, Inc.
for Section 41102 Certificate Authority.

Dear Mr. Gardner:

We are currently reviewing the certificate application of Small Community Airlines, Inc. ("SCA") filed in Docket OST-2005-21822. The purpose of this letter is to notify you of our intended ruling on your request for confidential treatment of documents filed in support of the referenced application.

On March 23, 2009, SCA filed motions for confidential treatment under 14 CFR 302.12 (Rule 12). Specifically, SCA requested confidential treatment be considered for information establishing Mr. Paul Ozanus' citizenship, Income Statement Forecast and First-Year Revenue information.

Rule 12 instructs us to evaluate requests for confidential treatment in accordance with the standards of disclosure found in the Freedom of Information Act (5 U.S.C. section 552). By this standard, information may be withheld from disclosure under 5 U.S.C. 552(b)(4) if it is (1) commercial or financial, (2) obtained from a person outside the government, and (3) privileged or confidential. [*Gulf and Western Industries, Inc. v. United States*, 615 F.2d 527, 529 (D.C. Cir. 1979)]

We have reviewed your request to withhold information from public disclosure and, except for the information verifying Mr. Ozanus' citizenship, all of the information sought to be withheld was made publicly available in SCA's public submission of evidentiary material on March 23, 2009. Therefore, except for the information establishing Mr. Ozanus' citizenship, we deny SCA's request to withhold information from public disclosure.

Under Rule 12, the information identified above for which confidential treatment is not granted will be released to any person requesting it unless, ***within five (business) days from the date of receipt of this letter***, the applicant files with this office a petition for reconsideration or a written statement in good faith of its intention to seek judicial review of this decision. Should SCA elect to petition the Department for reconsideration, we would

expect that it accompany such petition with the information as required by 14 CFR 302.12(d)(1)(ii) and (iii). Please inform us if SCA wishes to pursue either option.

Thank you for your cooperation in this matter. If you have any questions, please feel free to contact Damon Walker at (202) 366-7785.

Sincerely,

A handwritten signature in black ink, appearing to read 'L. Remo', with a stylized flourish at the end.

Lauralyn J. Remo, Chief,
Air Carrier Fitness Division
Office of Aviation Analysis

cc: Docket DOT-OST-2005-21822

Mr. William H. Smith
FAA DFW FSDO
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